IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

CRP.No. 933 of 2007()

AGAINST THE ORDER DATED 05/10/2007 IN EP.NO.180/2006 IN OS.50/1986 of MUNSIFF'S COURT, PERAMBARA

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REVN. PETITIONER: 4TH DEFENDANT

KANNAMBATHPARA KSHETHRA COMMITTEE
REPRESENTED BY ITS PRESIDENT AND
HEREDITARY TRUSTEE, KOLLIYIL BALAKRISHNAN,
AGED 45 YEARS, S/O NARAYANAN NAIR,
CHENOLI AMSOM, DESOM, KOYILANDY TALUK.

BY ADV. SRI.R.PARTHASARATHY

RESPONDENT: 2ND PETITIONER

KALAPATHUR THULICHAPUTHIYEDATH
ROHINI AMMA, D/O ANANDAN NAIR,
SWASTHAM, CHENOLI AMSOM, DESOM,
KOYILANDY TALUK.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.933 of 2007

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Dated this the 2nd day of November, 2007.

ORDER

This revision petition is filed against the order of the Munsiff, Perambra in E.P.No.180 of 2006 in O.S.No.50 of 1986. It was an application filed by the fourth defendant for fixation of boundary making only the second plaintiff as the respondent. The suit was disposed of with second plaintiff as the respondent. The court below found that since the legal representatives of the first respondent, viz., Janaki Amma have not been impleaded, the petition is defective and therefore dismissed the same.

2. Learned counsel drew my attention to paragraph 6 of the order, which indicates how the boundary has to be fixed as per the terms. If the petitioner is entitled to decree, it shall not be defeated on technical ground of non-impleadment. Therefore, I feel that an opportunity has to be given to the petitioner herein to implead the legal representatives of deceased Janaki Amma

as supplemental respondents.

3. Therefore the order under challenge is set aside and the matter is sent back to the court below thereby permitting the revision petitioner to implead the legal heirs of Janaki Amma and hear and dispose of the matter in accordance with law. Needless to say that in the light of my setting aside the order after impleadment, the court can consider the question of issuance of a Commission for marking the boundaries. The respondents also should be heard.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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